

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARREL WAYNE VANDERGRIFF,

Plaintiff,

v.

TONY GAMBONE *et al.*,

Defendants.


Case No. C06-5381RBL

ORDER ADOPTING THE REPORT
AND RECOMMENDATION

The Court, having reviewed the file, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) All unexhausted claims are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust under the Prison Litigation Reform Act. The claim against Defendant Gambone based on health care services rendered in May of 2005 is the only remaining claim in this action.
- (3) Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold .

DATED this 13th day of December, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE